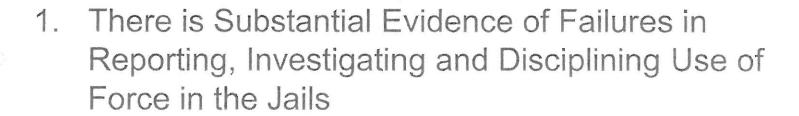
CCJV Discipline Team Findings

Citizens' Commission on Jail Violence

September 7, 2012



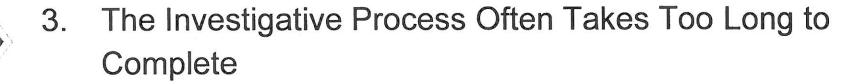


- Lt. McCorkle's review of 154 use of force packages from MCJ.
 - Force packages did not address possible policy violations and deputies' reports were dramatized and canned.
- Capt. Johnson's review of seven use of force packages from MCJ
 - Sergeants did not adequately investigate inmate injuries.
- Lt. Bornman's assignment with MCJ Special Projects
 - Approximately 100 use of force reports not acted upon, dating back to 2005.

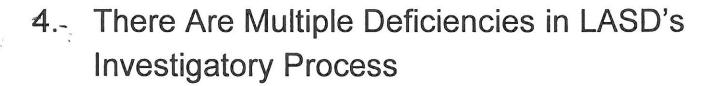
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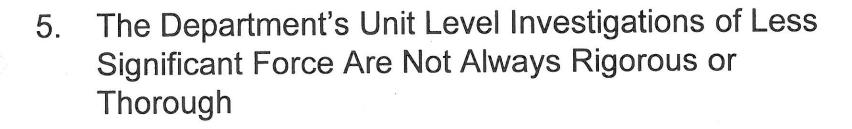
- Less Significant Force
 - Review by supervising Sergeant
 - Sergeant's force packet evaluated by Unit Commander
- Significant Force
 - Review by supervising Sergeant or Custody Force Response Team
 - Force packet evaluated by Custody Force Review Committee
- Most Significant Force
 - Review by Internal Affairs
 - Force packet evaluated by Executive Force Review Committee



- Statute of limitation requires discipline to be imposed within one-year of reporting.
- The Department does not have a clear timeline for how a force review should proceed.
- Though policy requires an administrative investigation within 90 days, in practice many investigations take almost a year to complete.
- Criminal investigations into deputy misconduct further delays disciplinary investigations.
- Delays cause less accurate reporting, deputy collaboration, and exceeding the statute of limitation.



- Reviews of less significant force often don't include interviews of key witnesses.
- Deputies' immediate supervisors conduct force review, even if they directed or supervised the force.
- Subject deputies are permitted to be present during interviews of witnesses.
- The actions of supervisors are not reviewed as part of a force review.
- Deputies are permitted to discuss the force incident before providing their statements.



- Unit-level investigations are performed by custody sergeants.
- Custody Sergeants lack proficiency in conducting investigations compared to Internal Affairs officers.
- Unit-level investigations are often incomplete, poorly documented, and less rigorous.
- Mistakes in unit-level investigations can result in a failure to collect evidence necessary to level disciplinary charges.



- 6. The Miniscule Number of Unreasonable Force Findings Casts Doubt on the Integrity of the Investigatory Process
- Between 2006 and 2011, there were 5,630 force incidents reported in custody.
- Of those, only 36 were found to be unreasonable. This is only about 0.6%.
- During this same time period, only six deputies were discharged for unreasonable force.



- Deputies can appeal disciplinary decisions to either the Los Angeles County Employees' Relations Committee or the Civil Services Commission.
- The appeal process can drag out for years.
- ERCOM may not be staffed with qualified and unbiased hearing officers, resulting in a perception that the Department will not succeed in defending a disciplinary decision that goes before ERCOM.



The Inmate Grievance Procedure Is Inadequate

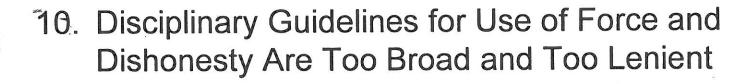
- Inmates report that they are discouraged from filing grievances by threats of retaliation.
- Even when grievances are filed and are founded, inmates are not informed of the results of the investigation.
- Inmate grievances are not tracked in the Department's Personnel Performance Index. And non-force grievances are not tracked in any Department data system. These failures inhibit the Department's ability to detect potential "problem deputies" early.

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9. False Statements About Use of Force Are Not Adequately Acted Upon

- The Department reported to the Commission that there were only two deputies in the past five years who were found to have provided false statements in regard to force reports.
- The Department does not have a zero-tolerance approach to dishonesty in force reviews and investigations.
- Cases the Commission learned of revealed extremely light treatment of acts of dishonesty, a protracted time for resolution and imposition of discipline, and a failure to find policy manual violations reflective of the misconduct at issue.



- The Department's Discipline Guidelines provide little guidance on the consequences for unreasonable use of force or for dishonesty.
 - The range of discipline for unreasonable force extends from a five-day suspension to discharge.
 - The range of discipline for dishonesty extends from a ten-day suspension to discharge, and in some instances the Department's penalties were below that range.
 - The range of discipline for failure to report use of force extends from a five-day suspension to a 25-day suspension.



11. Leadership in the Department Has Undermined the **Disciplinary Process**

- The Undersheriff has made statements undermining the Department's disciplinary system and Internal Affairs.
- A Former MCJ Captain discouraged thorough investigation into deputy misconduct and failed to ensure timely force reviews.